



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/236,017	01/22/1999	RICHARD GREVEN		2068

7590 10/10/2003

STEPHEN E FELDMAN
12 EAST 41ST STREET
NEW YORK, NY 10017

EXAMINER

ROSSI, JESSICA

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 10/10/2003.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/236,017

Applicant(s)

GREVEN, RICHARD

Examiner

Jessica L. Rossi

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/22/03, RCE and Amd. G.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) 23-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 27.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1733

DETAILED ACTION

Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/22/03 has been entered.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 17-35 have been renumbered as claims 22-40.

Election/Restrictions

3. Newly submitted product-by-process claims 23-40 are directed to an invention that is independent or distinct from the invention originally claimed (process claims) for the following reasons:

As set forth in the office action dated 4/25/03, paper no. 4, the product as claimed can be made by another and materially different process where conforming the honeycomb core to make a complex shape could be done using a closed mold or a complex milling machine (see Applicant's Admitted Prior Art). See MPEP 806.05(f).

Art Unit: 1733

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-40 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 22, it recites the limitation "the honeycomb core" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is suggested to have the claim state --trimming a honeycomb core to a desired shape-- in line 3.

Also regarding claim 22, it is unclear what is meant by "along a line parallel to the longitudinal axis" in lines 8-9. What longitudinal axis are Applicants referring to? Applicants are asked to clarify. If Applicants mean the longitudinal axis of the honeycomb, it is suggested to amend the claim to state --along a line parallel to the longitudinal axis of said honeycomb core--.

Also regarding claim 22, it recites the limitation "said article" in line 11. There is insufficient antecedent basis for this limitation in the claim. It is suggested to change this to --said honeycomb--.

Art Unit: 1733

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gnagy et al. (US 5119535; of record).

With respect to claim 22, Gnagy is directed to making complex aerodynamic and hydrodynamic shapes that can be used in constructing an aircraft (column 1, lines 16-19; column 6, lines 12-15); it being noted that Applicants disclose using the claimed invention in this industry as well (p. 1, lines 16-21).

The reference teaches trimming a honeycomb material 100 to a desired shape (column 4, lines 57-59; column 12, lines 41-42), abutting the trimmed honeycomb against an open mold 74/150 (Figures 17 and 33, respectively; Figure 14; column 4, lines 3-6; column 12, lines 63-65), conforming the honeycomb to the shape of the mold by applying pressure to the upper surface of the trimmed honeycomb by means of pressing member 68/154 (Figures 17 and 33, respectively; column 12, line 61 – column 13, lines 13; column 15, lines 50-59), releasing the pressure so that the honeycomb forms a surface between opposed sides on the upper surface of the honeycomb wherein the surface is higher than at least one of the opposed sides (Figures 17 and 33), and cutting the conformed honeycomb to a desired thickness (column 4, line 64 – column 5, line 7).

It is noted the examiner has interpreted the present claim to mean that the pressure-releasing step takes place before the cutting step. Since the “conforming” step takes place while pressure is applied, a “conformed” honeycomb would result when this pressure is released; therefore, since the cutting step takes place on the “conformed” honeycomb, the pressure must

Art Unit: 1733

have been released. If Applicants intend for the cutting step to take place before the pressure-releasing step, it is noted that such a limitation does not have support in the present specification.

It is also noted that one of the benefits taught by the reference is the ability to eliminate a significant amount of the cutting that takes place after the pressure-releasing step. However, the reference teaches “eliminating most” of the cutting (column 5, lines 6-7) that takes place after the pressure-releasing step such that a “substantially final configuration” (column 10, line 68 – column 11, line 1) is formed, which clearly does not exclude some degree of cutting after the pressure-releasing step.

However, the reference is silent as to cutting the honeycomb along a line parallel to the longitudinal axis. One reading the reference as a whole would have appreciated that the cutting direction is not critical to the invention and therefore selection of a particular cutting direction with respect to the honeycomb would have been within purview of the skilled artisan at the time the invention was made depending on the areas of the honeycomb in need of excess material removal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **703-305-5419**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Richard D. Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

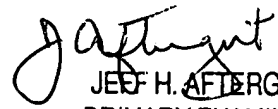
Art Unit: 1733

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jessica L. Rossi
Patent Examiner
Art Unit 1733



jlh



JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300

1733

Paper No. 27

Continuation of Substance of Interview including description of the general nature of what was discussed: Although an RCE was filed with an amendment including claims directed to the non-elected invention, thereby making election by original presentation applicable, the examiner called Applicants to inform them of this. Applicants agreed with examiner that election by original presentation applicable.